

RECEIVED
IN THE UNITED STATES DISTRICT COURT FOR THE
2005 OCT 28 A 6 30 MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GARY PADGETT, 295251

PLAINTIFF

v.

CIVIL ACTION NO. 2:05-CV-608

GWENDOLYN MOSLEY

DEFENDANTS.

ANSWER TO ORDER

COME NOW THE ALABAMA DEPARTMENT OF CORRECTIONS INMATE GARY PADGETT, MOVES THAT THIS HONORABLE COURT DENY THIS CAUSE, THE DEFENDANTS SPECIAL REPORT BASED ON THE FACTS THAT THE ENTIRE REFERENCE MATTER OBVIOUSLY CRITICIZE ME AS BEING FRIVOLOUS, AND THAT MY ALLEGATION ARE AS SUCH. I AM A WHITE MALE WHO HAS BEEN ABUSED HORRIBLY BECAUSE OF A FALSE ACCUSATION, ALSO UNFORTUNATELY THE CRUEL AND THE UNUSUAL PUNISHMENT THAT I RECEIVED AT THE HANDS OF THE DEPARTMENT OF CORRECTION BY APPLYING BILLY CHAINS, LEG SHACKLES, HAND CUFFS, AND THEN PLACED IN RESTRAINTS, AND FORCING ME TO SWALLOW A LAXATIVE IN ORDER TO MAKE ME ADMINISTER A BOWEL MOVEMENT, THIS IS CERTAINLY CRUEL AND UNUSAL PUNISHMENT.

I HAVE BEEN CONFINDED TO A WHEEL CHAIR DUE TO THE DISCOMFORT OF HAVING A STROKE. THE PROGRESS OF THIS TRAGEDY HAS IMPEDED MY HEALING, WITH HEAVY EMPHASIS ON HUMANE FEELING, FURTHERMORE THE FACTS SPEAK FOR THEMSELVES.

THE COMMISSIONER AND THE REMAINING DEFENDANTS TRY TO CHARACTERIZE ME AS BEING TEMPERAMENTAL AND VARIABLE, IN ACCORDANCE WITH THIS ORDER DATED SEPTEMBER 15, 2005. I TOOK THE FOLLOWING INDIVIDUALS TO BE WORTHY IN THEIR POSITIONS. I GARY PADGETT ACCUSED THE COMMISSIONER DONAL CAMPBELL, WARDEN GWENDOLYN MOSLEY, LIEUTENANT WILLIE BRYANT, CO-1 BRAIN GAVINS, AND CO-1 ALVIN JERNIGAN OF SUPPLYING THIS HONORABLE COURT WITH ERRATIC INFORMATION.

RESPONSE TO DEFENDANTS STATEMENT OF FACTS
CONCERNING INMATE GARY PADGETT SUSPECTED OF BRINGING
FROM THE VISITATION YARD TOBACCO PRODUCTS.

IN ACCORDANCE WITH THE DEFENDANTS COMMISSIONER DONAL CAMPBELL, WARDEN III GWENDOLYN MOSLEY, LIEUTENANT WILLIE BRYANT, CO-1 BRAIN GAVINS, AND CO-1 ALVIN JERNIGAN, I GARY PADGETT #235256, ARRIVED AT EASTERLING CORRECTIONAL FACILITY ON JULY 16, 2004. THE NEXT DAY I WAS ALLOWED VISITING; MY FAMILY CAME TO SEE ME, INMATE BROWN PUSHED ME TO THE VISITATION YARD, I AM TO NOTIFY HIM THROUGH THE OFFICERS AT VISITATION WHEN I AM READY TO RETURN, AND THEN A OFFICER ASSIGNED TO NINE (9) DORM WILL INFORM INMATE VINICE BROWN TO RETURN TO THE VISITATION YARD IN ORDER TO ASSIST MY RETURN TO NINE (9) DORM.

THE INSTANT MY FAMILY DEPARTED, I WENT TO THE OFFICER TO SEE ABOUT MY RETURN TO MY ASSIGNED DORM. THIS IS WHEN I WAS TOLD THAT I AM A SUSPECT, SUSPECTED OF BRINGING IN TOBACCO PRODUCTS, I THEN SAID HOW, AS IF PUZZLED, HOW COULD THIS BE, I THEN SAID I ONLY SAW MY WIFE, THIS WAS MY FIRST VISITING DAY, AND EACH VISITING DAY THEREAFTER I EXPERIENCED SOMETYPE OF ISSUE UNTIL AN UNSPECIFIED LATER TIME MY STEP-DAUGHTER AND HER SON, MY GRAND SON WERE NO LONGER ALLOWED TO VISIT ME BY ORDER OF WARDEN MOSLEY. THIS IS WHEN I WAS INFORMED BY THE WARDEN, THAT I CAN NO LONGER RECEIVE VISIT FROM THEM BASED ON MY PAST SEXUAL BEHAVIOR. AT THAT TIME THE WARDEN NOTIFIED ME THAT I AM A SEXUAL PREDATOR, NEVERTHELESS AFTER BEING CONFRONTED BY THE OFFICERS, I WAS IMMEDIATELY HAND CUFFED, PUT IN SHACKLES, BILLY CHAINS ABOUT MY BODY, THEN I WAS PLACED IN RESTRAINTS.

I WAS TAKEN TO THE HOT DORM #3 WHEREAS MY HAND CUFFS, LEG IRONS, BILLY CHAINS AND RESTRAINTS WERE REMOVED, I WAS THEN STRIP SEARCHED OF ALL MY CLOTHING, THEN MY WHEEL CHAIR WAS TAKEN APART. AFTERWARDS I WAS ALLOWED TO DRESS MYSELF, THEN I WAS INSTRUCTED TO REMAIN IN THE WHEEL CHAIR UNTIL I WAS RE-CHAINED, HAND CUFFED AND PLACED BACK IN RESTRAINTS AND LEG IRONS, THEN I WAS GIVEN A LAXATIVE OF SOMETYPE, I SIT IN MY WHEEL CHAIR IN FRONT OF THE CUBE FOR OVER TWENTY-FIVE (25) HOURS, THE ONLY TIME THAT I WAS ALLOWED TO MOVE WAS WHEN ONE OF THE OFFICERS TOOK ME TO THE BATHROOM WITH HIM, AS I WATCHED HIM URINATE, THEN HE TOOK ME BACK TO THE CUBE, AND THIS IS WHERE I REMAINED UNTIL I TOLD THE OFFICERS I NEEDED TO USE THE RESTROOM. THIS IS WHEN I WAS INFORMED THAT I MUST USED THAT BUCKET (PAIL) TO DEFECATE, I WAS THEN PHYSICALLY LIFTED OUT OF MY WHEEL CHAIR ONCE THE RESTRAINTS WERE REMOVED, AFTER USING THE BUCKET NOTHING WAS

FOUNDED. I WAS THEN ACCOMPANIED BY A OFFICER BACK TO MY DORM WITHOUT A CITATION OR DISCIPLINARY GIVEN ME BECAUSE THERE WERE NO TOBACCO PRODUCTS FOUNDED.

ACCORDING TO THE EASTERLING CORRECTIONAL FACILITY, STANDARD OPERATING PROCEDURES, ITEM (H), ANY DEVIATION FROM THIS POLICY MAY RESULT IN THE EMPLOYEES DISMISSAL. THE ENTIRE STANDARD OPERATING PROCEDURES C-50 IS OBSOLETE AND ILLEGAL ACCORDING TO THE UNITED STATES JUSTICE DEPARTMENT, STATE OF ALABAMA, ALSO THE AMERICAN DISABILITY ACTS, THE DIABETICS ASSOCIATIONS.

STATE AND FEDERAL LAWS HAVE BEEN BROKEN. WARDEN MOSLEY OWN SWORN STATEMENT SHE ACKNOWLEDGE THE USE OF STANDARD OPERATING PROCEDURES C-50, AND WITH THE AUTHORITY VESTED AS WARDEN III OVER EASTERLING CORRECTIONAL FACILITY, WARDEN MOSLEY IS IN VIOLATION OF PHYSICAL ABUSE UPON ME INMATE GARY PADGETT. THEREFORE WARDEN MOSLEY ALONG WITH THE DEFENDANTS, COMMISSIONER DONAL CAMPBELL, LIEUTENANT WILLIE BRYANT, CO-1 BRAIN GAVINS, AND CO-1 ALVIN JERNIGAN MUST BE ARRESTED, AND CHARGED WITH CRUEL AND UNUSUAL PUNISHMENT ACCORDING TO THE FOURTH, SIXTH, EIGHTH, AND THE FOURTEETH AMENDMENT TO THE UNITED STATES CONSTITUTION. SO HELP US GOD.

DEFENDANTS. AUGUST 2, 2005 ANSWER, AND STATEMENT OF FACTS. THIS #2 IS SELF EXPLANATORY, SO THEIR IS NO NEED TO NOTIFY ANYONE UNLESS YOU NEED ADDITIONAL TIME.

DEFENDANTS AUGUST 9, 2005 #5, PLAINTIFF COMPLAINT. SEE ACTION NUMBER ONE - SEE ACTION NUMBER TWO - SEE STATE PERSONNEL BOARD COMPLAINT FILED FOR COMPLETE INVESTIGATION + ADA ACT. SEE DEFENDANTS EXHIBIT #1 STANDARD OPERATING PROCEDURES C-50. SEE DEFENDANTS EXHIBIT #2 DEPARTMENT OF HUMAN RESOURCES CHILD ABUSE INVESTIGATION 50 N. RIPLEY ST. MONTGOMERY, AL. 36130

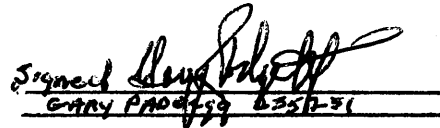
CONCERNING THIS MATTER, I AVER THAT THE MATTER IN QUESTIONED CAN BE RESOLVED BY CONTACTING THE JACKSON CITY POLICE DEPARTMENT ALSO THE COVINGTON COUNTY DEPARTMENT OF HUMAN RESOURCES. I HAVE ONLY ONE GRAND SON AND HE'S A SPORT AND I LOVE HIM, WHAT I DON'T UNDERSTAND IS, AND THAT IS WHY IS THIS WARDEN AFTER ME, I HAVE NOT BEEN CHARGED WITH A SEX CRIME.

IT'S OBVIOUS THAT WARDEN MOSLEY SHOWS ANIMOSITY TOWARDS ME AND MY FAMILY THROUGH HER MISREPRESENTATION AND AGGRESSIVE DEFAMATION. I ASSERT POSITIVELY THAT THE DEPLORABLE TACTICS AND THE CRUEL AND UNUSUAL PUNISHMENT IS UNBECOMING OF A PERSON IN SUCH A WORTHY POSITION, AS YOU SEE I WAS FOOLED. GOD HELP US, SO MOVE IT BE.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT ON THIS DATE 26 OCTOBER 2005 THAT I HAVE FILED THE FOREGOING DOCUMENT WITH THE CLERK OF THE COURT USING THE UNITED STATES POSTAGE SERVICES, BY PLACING FOREGOING DOCUMENTS IN THE U.S. FIRST CLASS MAIL, POSTAGE PREPAID AND PROPERLY ADDRESSED TO

LAUETTE LYAS-BROWN
OFFICE OF THE ATTORNEY GENERAL
11 SOUTH UNION ST.
MONTGOMERY, AL. 36130
COUNSEL FOR THE DEFENDANTS


GARY PROFFITT 6351251

BY PLACING IN THE LEGAL MAIL BOX AT THE PRISON